



9-14-05

DFW

Express Mail Label No. _____

Dated: _____

Docket No.: 20269/1201777-US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Srinivas G. RAO, et al.

Application No.: 10/628,141

Art Unit: 1614

Filed: July 24, 2003

Examiner: Rebecca COOK

For: TREATMENT OF DEPRESSION
SECONDARY TO PAIN (DSP)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the Office Action mailed August 12, 2005.

According to the Examiner, claims 1 and 15 are generic to a plurality of patentably distinct species comprising a NSRI or a TRI. The Examiner has required election of a single disclosed species. Applicant hereby elects the species milnacipran. Claims 1-11 and 12-18 are readable upon milnacipran.

Applicant notes that upon the allowance of a generic claim, the Patent Office will consider claims to additional species, which include all the limitations of the allowed generic claim.

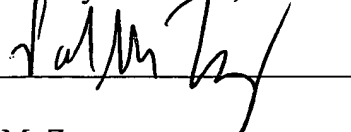
Conclusion

It is believed that this paper is fully responsive to the outstanding requirement for species election. Accordingly consideration of these remarks is respectfully requested.

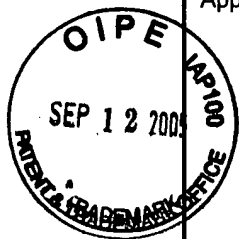
Dated: September 12, 2005

Respectfully submitted,

By



Paul M. Zagar
Registration No. 52,392
DARBY & DARBY P.C.
P.O. Box 5257
New York, New York 10150-5257
(212) 527-7700
(212) 753-6237 (Fax)
Attorneys/Agents For Applicant



Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. _____ in an envelope addressed to:

EJ 691013820-us

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on September 12, 2005
Date

B.W. Lee

Signature

B.W. Lee

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Response to Restriction Requirement